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## THE BELGRADE - PRISTINA AGREEMENT ON DENOMINATION: A Golden Opportunity for the EU

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On Friday, 24<sup>th</sup> February 2012, after three days of EU-facilitated negotiations in Brussels, the authorities of Serbia and Kosovo reached a groundbreaking agreement in their direct dialogue. The deal included two important points: joint management of the crossings between the two territories and the denomination under which Kosovo will be able to participate in regional forums. The difficult political decision was achieved under strong domestic pressure to avoid any concessions, and it came with the perspective of clear rewards from the EU side: candidate status for Serbia (a coveted prize for an unpopular government facing elections in two months) and green light to the feasibility study for a Stabilisation and Association Agreement and other contractual relations, including a roadmap for visa liberalisation, for Kosovo. Both sides have done their part of the deal, and now it is time for the EU to deliver. If the institutions and the member states seize this opportunity and are able to reach a compromise between recognizers and non-recognizers of Kosovo, and between those in favour of speedier accession of Serbia and those less enthusiastic, the agreement could open the door to a significant leap forward in the EU policy in the Western Balkans. Such agreement would be beneficial for the EU too – it would bridge the rift that divides the member states and thus weakens the EU.

In autumn 2011, the dialogue between Belgrade and Pristina stalled as the situation deteriorated in Northern Kosovo and frustration with the EU grew. Serbia was disappointed that the December 2011 European Council declined to grant it candidate status despite the arrest of Ratko Mladic and his transfer for trial in the International Criminal Tribunal for former Yugoslavia. Kosovo, on the other hand, saw how its hopes of advancing in its contractual relations with the EU were dashed because of the opposition from the five EU non-recognisers. With Serbian legislative elections looming in the horizon, the 1-2 March 2012 European Council looked like the last opportunity to avert a serious backlash in both countries. The EU and some member states, in particular Germany, made it clear that agreement in the Brussels talks was the only way to go for both governments if they wanted progress in their road towards EU integration. There was no appetite whatsoever in the Serbian and Kosovar public opinion to reach such agreement, in particular after a winter of tensions and barricades in Northern Kosovo and growing nationalist rhetoric on both sides.

The technical protocol on the joint management of administrative crossings between Serbia and Kosovo is extremely important, since the on-going crisis in Northern Kosovo started precisely when the authorities of Pristina tried to take control of the border crossings. But the fact that the parties managed to finally reach an agreement on the denomination issue is even more significant. It will pave the way to Kosovo's participation in regional meetings and organisations that has been impeded so far. The agreement foresees that Kosovo will from now on be able to participate in intergovernmental organizations, meetings and arrangements that aim to promote cooperation in the Balkans provided that it uses the denomination 'Kosovo\*', where the asterisk directs to the following footnote: *This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.* This is a carefully crafted wording that assuages the main concerns of both sides, who claimed it to be favourable to their interest. Kosovo will no longer be asked to be represented under UNMIK, and hosts of meetings will be encouraged to avoid the display of national symbols other than their own and the EU's.

The agreement explicitly confines the use of the new formula to Balkan meetings, organizations and agreements, formal or informal, including meetings with the EU institutions. But the EU and its member states could agree to apply it across the board. That would, on the one hand, entail that recognisers would temporarily cease to push for the inclusion of Kosovo, without any qualification, in these organisations where they hold a majority of voting rights (as was the case in the International Monetary Fund or in the World Bank). On the other, this solution would help the non-recognisers to accept contractual relations with the EU and vote in favour (rather than against or abstain) of Kosovo's integration into European and international organisations, agreements and meetings, both at governmental level and in para-governmental institutions (such as sports federations), provided that the agreed denomination is used. Test cases for those two approaches are coming soon, as the EBRD, since the day before the agreement, has a sufficient majority to accept Kosovo as a full member, and the European Commission will propose, as announced by Catherine Ashton, to launch a previously blocked feasibility study for a Stability and Association Agreement with Kosovo. Recognisers could accept inclusion in the EBRD with the footnote, non-recognisers could allow contractual relations to go ahead. At long last, the EU member states would vote united on Kosovo.

The above proposal goes well beyond what Pristina and Belgrade agreed to in Brussels, intended for regional organisations only. But going beyond what Pristina and Belgrade are ready to compromise on is exactly the point. Some EU member states that have recognised Kosovo's independence have been pushing hard to achieve its full international recognition and have openly refused to compromise. The United Kingdom, for instance, forced the suspension of autonomous trade measures that ensured Kosovo's access to EU markets for months by refusing to add a mention to UNSC resolution 1244. Equally, the five EU non-recognisers have upheld a restrictive view that has blocked the integration of Kosovo within the region and in the wider international community, as well as impeded the attainment of contractual relations with the EU. While the EU demands flexibility and compromise from beleaguered governments in Pristina and Belgrade, some of its member states fail to lead by example. They tend to entrench behind one part or the other rather than signal with their example the path towards compromise. It is now high time to change this for good: if the member states of the EU honestly want Serbia and Kosovo to move progressively towards a mutually accepted final settlement, they must be the ones opening the way with solutions that benefit both parties and the whole region. Additionally, they have the chance to bridge the internal division that has jeopardized the EU's role and prestige in the region since February 2008. The agreement on denomination is an excellent starting point, an opportunity that the EU must not waste.